

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:408
ANSWERED ON:18.12.2002
SC'S DIRECTIVE ON MEDICAL NEGLIGENCE
M. JAGANNATH

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Supreme Court has recently directed the Medical Council of India to submit an affidavit, on the cases of medical negligence;
- (b) if so, the details thereof;
- (c) the details of the cases of medical negligence and procedure for punishing the erring doctors;
- (d) whether the Government have set up any Standing Committee to go into the above after the directives of Supreme Court;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (SHRI SHATRUGHAN SINHA)

(a)to(f): A statement is laid on the table of the Lok Sabha.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 408 FOR 18.12.2002

A Public Interest Litigation is pending in the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 317/2000 - Malay Ganguly Vs Medical Council of India and Others. In this the petitioner has prayed to the Court to conduct a review of the functioning of the Medical Council of India and other State Medical Councils as far as it relates to performance of their statutory duties with regard to the complaints received by them against doctors. As directed by the Supreme Court, vide its interim order dated 27.9.2002, the Medical Council of India has filed an affidavit furnishing the various details called for by the Court with regard to processing of complaints received against doctors.

As informed by Medical Council of India, 125 and 110 cases of complaints relating to medical negligence have been received by them in the years 2000-01 and 2001-2002 respectively. While the complaints received against doctors registered directly with itself are dealt with by the MCI, the complaints received against doctors registered with the State Medical Councils are forwarded to the respective State Medical Councils for appropriate action under the State Act. As per the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, complaints with regard to professional misconduct can be brought before the Medical Council of India or the concerned State Medical Council, as the case may be, for disciplinary action. Upon receipt of any complaint of professional misconduct, the appropriate Medical Council would hold an enquiry and give opportunity to the Registered Medical Practitioner to be heard in person or by pleader. If the Medical practitioner is found to be guilty of professional misconduct the appropriate Medical Council may award such punishment as deemed necessary or may direct the removal altogether or for a specified period from the register of the name of the delinquent Registered Medical Practitioner. These Regulations further stipulate that the decision on the complaints received shall be taken by the appropriate Medical Council within a period of six months.

The Central Government has not received any directive from the Supreme Court for setting up a Standing Committee to go into the above matter. However, an Ethical Committee consisting of six members exists in the Medical Council of India to deal with the complaints received by them. In pursuance of the interim directions of the Supreme Court, the Council is also finalizing the detailed guidelines and the procedure to be followed for conducting an enquiry in an alleged complaint to decide whether the doctor concerned is guilty of misconduct in a professional respect.